

Igor Zgoliński¹

ROMUALD HUBE - PIONIER POLSKIEJ NAUKI PRAWA
KARNEGO

ROMUALD HUBE - A PIONEER OF POLISH CRIMINAL LAW
SCIENCE

Received: December 8, 2021 Approved: March 9, 2022 Published: March 31, 2022

DOI: 10.5604/01.3001.0015.8034

Original Article

Source of funding - own research

Streszczenie

W artykule przedstawiono postać i najważniejsze osiągnięcia naukowe Romualda Hubego² w zakresie nauki prawa karnego, a także prowadzonych prac legislacyjnych nad prawem karnym Rosji oraz Królestwa Polskiego. Jest to bez wątpienia postać niezwykle znacząca w rodzimej nauce prawa karnego, choć ta gałąź prawa była jedynie wycinkiem całokształtu jego zainteresowań naukowych. Trzeba natomiast podkreślić, że Romuald Hube wydatnie rozwinął naukę prawa karnego, także w jej wymiarze światowym. Co więcej, poprzez swą pracę w administracji państwowej, czynnie uczestniczył w tworzeniu tej gałęzi prawa. Żył i tworzył w epoce niezwykle skomplikowanej z racji przemian społecznych oraz niekorzystnej dla Polski sytuacji geopolitycznej. Z uwagi na związek swego życia i twórczości z państwem obcym, Romuald Hube był naukowcem często krytykowanym w kraju oraz spotykającym się z ostracyzmem środowiskowym. Niezaprzeczalny wkład Hubego w dorobek prawa karnego, przy relatywnie niedużej jego eksploracji w doktrynie, implikuje poniekąd konieczność bliższego przedstawienia sylwetki naukowej uczonego.

Słowa kluczowe: prawo karne, historia prawa, prawodawstwo, źródła prawa, Hube

¹ Dr hab. Igor Zgoliński, prof. KPSW, Katedra Prawa Karnego, Kujawsko-Pomorska Szkoła Wyższa w Bydgoszczy, e-mail: i.zgolinski@kpsw.edu.pl, ORCID: 0000-0002-5097-6170.

² W języku polskim dopuszczalne są dwie formy dopełniacza nazwiska Hube, tj. Hube oraz Hubego. Na potrzeby artykułu przyjęto drugą z nich, por. <http://nlp.actaforthe.pl:8080/Nomina/Nazwiska?nazwisko=hube&typ=m>.

Abstract

The article presents the figure and the most important academic achievements of Romuald Hube in the field of criminal law science, as well as his legislative work on the criminal law of Russia and the Kingdom of Poland. Hube is undoubtedly a highly important figure in Polish criminal law science, although this branch of law formed only a part of his academic interests. It should be emphasized, however, that he greatly developed the science of criminal law, also in its global aspect. Moreover, thanks to his work in state administration, he actively laid the foundations for this branch of law. He lived and worked in an extremely complicated period marked by social change and the unfavourable geopolitical situation faced by Poland. Due to the fact that his life and work were associated with another country, Hube was often subject to criticism in Poland and ostracised by society. Hube's unquestionable contribution to the body of criminal law has been little explored in legal science, which prompts a closer look at the scholar's profile.

Keywords: criminal law, legal history, legislation, sources of law, Hube

1. Introduction

A trait characteristic of the theory of Polish criminal law is not paying sufficient attention to the body of Polish legal thought of times past. The focus is basically on current legal solutions, while bygone laws are only occasionally mentioned in the background. Legal writings, especially those dealing with the history of Polish criminal law, lack a comprehensive, system-based study of the profiles and output (quite large and reputable, by the way) of leading Polish criminal law theorists in a specific historical period.³ This, obviously, is no minor loss to the criminal law science, especially since knowledge of issues related to former legal solutions, including more detailed circumstances in which they arose and the figures of men behind them, is not without importance for the proper dogmatic analysis of current legal solutions and assessment of specific legal institutions. In the history of criminal law, it has not infrequently happened that the wording of a provision was influenced by colliding personal views of the authors of specific regulations. It should also be emphasised that the evolutionary dynamics of criminal law, largely related to civilisational and cultural development and social and political transformation, is also embodied by the fact that certain criminal law prohibitions become obsolete and are replaced by others that delimit the boundaries of criminal law protection. Together with the development of humanity and human rights, the awareness of the need to protect rights and freedoms has increased. This also impacts the values protected by criminal law norms and the system of sanctions threatened against those who violate these values. It should be added that the gaps existing in the gallery of Polish criminal law theorists cannot be filled by

³ Na ów aspekt wskazywano już w latach osiemdziesiątych ubiegłego stulecia, zob. S. Salmonowicz, Z. Zdrójkowski, *Uwagi o programie badań nad historią prawa karnego w Polsce*, „Krakowskie Studia Prawnicze” 1981, nr 14, s. 11.

a few article-length studies, often of a fragmentary nature, nor by incidental monographs whose purview is limited to merely a few of the most eminent representatives of Polish criminal law science. Among them, one should primarily mention Juliusz Makarewicz,⁴ and Waclaw Makowski,⁵ both belonging to the sociological school of criminal law, and, in addition, Aleksander Mogilnicki⁶ or Edmund Krzymuski. The scholarly output of Romuald Jan Ferdynand Hube is, however, much more extensive versus, for example, legislators writing in the late 19th and early 20th century. And yet, the profile of this eminent scholar is not widely known, which can be surprising at least because his contributions to the development of criminal law are enormous. They can be reduced primarily to considerable development of the foundations of this branch of law, systematisation of previous scholarly achievements and the summary description of sources and major researchers of the medieval period. In this light, therefore, there is a clear need for continuing efforts on this kind, to offer among others an insight into the life of the man in question who had directly impacted the legislation and development of criminal law not only in Poland, but also in Russia.⁷ Due to the complicated history of the times during which Hube flourished, one should do so while deprecating the negative, if infrequent, assessments of his political views and his adopted course of life. Even if these are admitted, his extraordinarily wide scholarly legacy must remain unquestioned. Romuald Hube was undoubtedly one of the top-ranking figures of the so-called classical school of criminal law⁸ of the 19th century. His approach to legal science was progressive for his time, and the breadth and depth of his views on the legal institutions he studied. The hat he wore most frequently was that of a historian and historian of law.⁹ His works also contain numerous references to axiology

⁴ Na tym tle niewątpliwie znacznie wyróżnia się niemal kompleksowe usystematyzowanie dorobku naukowego prof. J. Makarewicza oraz reprint jego niektórych prac, zob. J. Makarewicz, *Prace rozproszone, tom I, publikowane w latach 1895-1901*, Lublin 2010; J. Makarewicz, *Prace rozproszone, tom II, publikowane w latach 1902-1913*, Lublin 2012; J. Makarewicz, *Wstęp do filozofii prawa karnego w oparciu o podstawy historyczno-rozwojowe*, Lublin 2009; J. Makarewicz, *Kodeks karny z komentarzem*, Lublin 2012; zob. nadto *Prawo karne w poglądach Profesora Juliusza Makarewicza*, red. A. Grześkowiak, Lublin 2005.

Szerokie odniesienia do J. Makarewicza odnaleźć można także w: *Kodeks karny z 1932 r.*, red. A. Grześkowiak, K. Wiak, M. Gałazka, R. G. Hałas, S. Hypś, D. Szeleszczuk, Lublin 2015, *passim*.

⁵ Zob. np. A. Redzik, *Nowe Państwo – udana inicjatywa prof. Wacława Makowskiego powołania pisma polityczno-prawnego, „Palestra”* 2010, nr 7-8, s. 151 i n.

⁶ Zob. np. A. Mogilnicki, *Kodeks postępowania karnego. Komentarz. Reprint*, Warszawa 2019.

⁷ Jak podaje K. Dunin, w: *Romualda Hubego Pisma poprzedzone zarysem biograficznokrytycznym*, t. I, Warszawa 1904, s. V, nieco szersze prace poświęcone twórczości R. Hubego powstały na przełomie XIX i XX stulecia, zob. T. Zigel, *Ob Uczonoj diejatielnosti R. M. Hube*, „*Żurnal Ministerstwa Narodnawo Proświeszczenija*”, CZ. CCLXXVI, 1891, nr 7; S. Łaguna, *Romuald Hube i jego działalność naukowa*, Ateneum 1890, t. III, s. 594-610; A. Rembowski, *Romuald Hube*, w: *Pisma Aleksandra Rembowskiego*, t. I, Kraków – Warszawa 1901, s. 405-447. Nie wyczerpują one całości dorobku naukowego, a dotyczą jedynie prac najbardziej doniosłych. Z opracowań bardziej współczesnych: A. Zębik, *Poglądy Romualda Hubego na przestępstwo, winę i karę*, „*Acta Universitatis Lodzianensis. Folia Iuridica*” 1988, nr 35; A. Grześkowiak, *Poglądy Romualda Hubego na karę*, CPH 1974, t. XXVI, z. 2; S. Pałczyński, *Romualda Hubego teoria działania i czynu. Studium z zakresu podstaw konstrukcyjnych pierwszego polskiego nowoczesnego systemu prawa karnego*, „*Ruch Prawniczy, Ekonomiczny i Socjologiczny*”, Rok LXII, 2000, zeszyt 2 oraz W. Witkowski, *Romuald Hube wobec prac ustawodawczych nad narodowym prawem cywilnym w Królestwie Polskim (1828-1830)*, „*Studia Iuridica Lubliniensia*” 2003, nr 19.

⁸ J. Warylewski, *Kierunki i szkoły w nauce prawa karnego*, w: *System prawa karnego*, t. I. *Zagadnienia ogólne*, red. A. Marek, Warszawa 2010, s. 66, zob. także A. Marek, *Prawo karne*, Warszawa 2000, s. 27.

⁹ Hube kultywował pamięć dawnych polskich karnistów, zajmował się m.in. historią prawa karnego, zob. R. Hube, *O dawnych pisarzach prawa karnego w Polsce*, Warszawa 1930; por. D. Janicka, *O pionierach nauk kryminologicznych w Polsce*, „*Czasopismo Prawno-Historyczne*”, Tom LXVIII, 2016, zeszyt 1, s. 44-45.

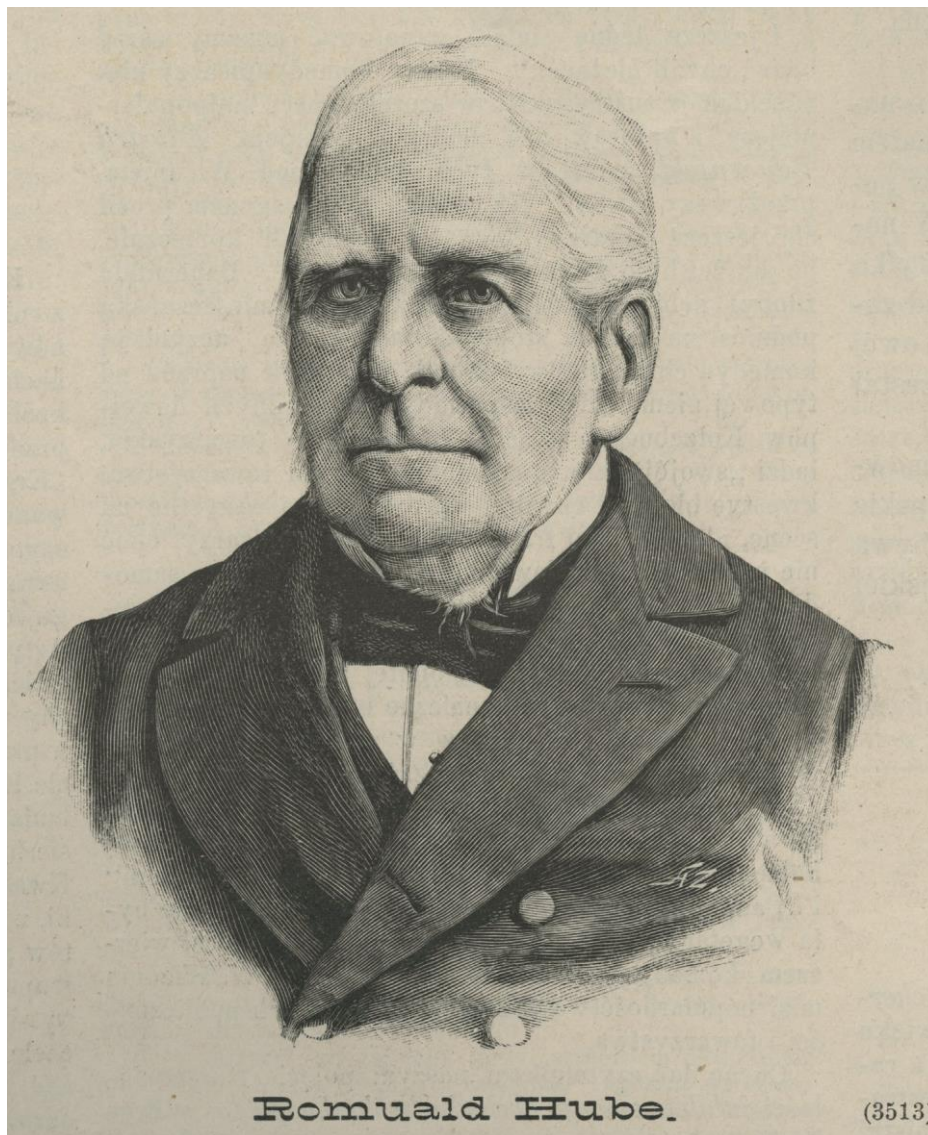
and philosophy, in particular the idealism of Georg Hegel, whose lectures in Berlin he had attended for three semesters.¹⁰ His acquaintance with Hegel, moreover, took on a more personal level, which undoubtedly prompted the young scholar to engage more frequently in deeper philosophical deliberations. It is worth reminding here that Hegel's position was that law and morality form a coherent whole, a view that has made a peculiar impression on Hube's scholarly output. Hegel distinguished between positive law (as an abstraction), moral law and social morality. A moral attitude should lead one to approve of legal norms. As part of the theory of punishment, the offender should be aware that by committing a criminal act, they also defy the will of the community. On the other hand, the inevitable punishment meted out to the offender is an expression of the community's attitude.¹¹ Hube had also attended the lectures of historian Friedrich Carl Savigny, another celebrity whom he managed to know personally. This acquaintance likewise had a considerable impact on his academic outlook. We can turn to Hube's writings to see how he captured and described the contrary personal traits of these two intellectuals. "Savigny compelled others to accept his statements unconditionally, while Hegel stimulated others to think and deliberate with him."¹²

¹⁰ Wspólnie z nim uczestniczył w nich także m.in. L. Feuerbach, J. Michelet oraz E. Gans, zob. R. Hube, *Pamiętnik*, w: K. Dunin, *Romualda Hubego Pisma poprzedzone zarysem biograficzno-krytycznym*, t. I, Warszawa 1904, s. XIX.

¹¹ A. Sylwestrzak, *Historia doktryn politycznych i prawnych*, Warszawa 1995, s. 234-235.

¹² R. Hube, *Pamiętnik*, w: K. Dunin, *Romualda Hubego Pisma poprzedzone...*, s. XIX.

2. Biography



Romuald Hube – a portrait published in *Tygodnik Ilustrowany* 1890, series 5, vol. 1, no. 33, p. 109.

The image can now be accessed online in Mazowiecka Biblioteka Cyfrowa: 00064513_0000.jpg (2424×2921) (cyfrowemazowsze.pl)

An analysis of Hube's works on criminal law should be preceded by a closer outline of his life¹³ which had a considerable impact on, among others, his scholarly endeavours and adopted attitudes, including his approach to research. Romuald Hube was born in Warsaw on 7 February 1803, to a government official. After graduating from school, he began his studies at the Faculty of Law of the Royal University of Warsaw. On 16 July 1821, he passed his master's exam with top honours and became a trainee at the Warsaw Civil Tribunal. Interestingly, although he passed his examinations, he was not admitted to the bar due to not fulfilling the age requirement. From 1823 to 1825, he continued to study in Germany, where he listened to the lectures of Georg Hegel at the university of Berlin, among others. Having returned to Poland, he began to work as a lecturer at the Chair of History of Law of the University of Warsaw. During his lectures, he made frequent references to Hegelian philosophy. When the chair was suspended, he continued to work at the Chair of Natural Law, Encyclopedia of Law and Criminal Law. In 1829, he defended his doctoral thesis and shortly afterwards was nominated to a professorship. Eventually, he was one of the initiators of the intra-faculty journal entitled "Themis Polska, czyli Pismo nauce i praktyce prawa poświęcone." (Themis Polska, or a journal devoted to the science and practice of law). In subsequent years he devoted himself strongly to science, pursuing academic internships in Italy and France. In 1830/31 he was forced to leave for Vienna, where he lodged together with Fryderyk Chopin. In 1831, Hube was shortly employed as a clerk in the Government Commission for Religion and Public Education. In late 1832, he became a prosecutor in the Warsaw criminal court, and later moved to another branch of administration to work on legislation in Petersburg. In time, he regularly climbed upwards in the Russian table of ranks. He worked in the Russian capital, engaged in various duties, until 1861, initially in the Codification Commission which existed in the Kingdom of Poland Secretariat of State. The role of the Commission was to review the legal solutions adopted in the Kingdom of Poland. This body existed (under another name) until 1842. It was during work in the Commission that Hube put forward a penal code and penal procedure for the Kingdom of Poland, as well as an organic law that regulated the organisation of the judiciary (1834). On 29 November 1834 in Warsaw, he married Teofila Rościszewska, to whom he had been betrothed even before leaving for Petersburg. No children were born out of the marriage. Teofila struggled with mental issues.¹⁴ She died in Paris in 1876.

Due to a change in legislative priorities, Hube then took part in the works of a committee drafting an Empire-wide penal code and penal procedure. Hube's aspiration was to devise a common penal code for all of Europe, the first step to which was unifying the criminal law of Russia and the Kingdom of Poland.¹⁵

¹³ Szerzej F. Nowiński, *Hube Romuald Jan Ferdynand*, <http://www.polskipetersburg.pl/hasla/hube-romuald-jan-ferdynand> (dostęp: 19.06.2021 r.). Jeszcze bardziej szczegółowo życie R. Hubego przedstawia K. Dunin, posługując się przy tym własnoręcznym pamiętnikiem uczonego, zob. tenże, w: *Romualda Hubego Pisma poprzedzone...*, s. VII i n.

¹⁴ K. Dunin, *Romualda Hubego Pisma poprzedzone...*, s. XIX.

¹⁵ F. Nowiński, *Hube Romuald Jan Ferdynand...*

The Russian penal code was adopted in 1845.¹⁶ Its simplified version was also in effect in the Kingdom of Poland from 1 January 1848 to 1876 as the Code of Principal and Correctional Punishments, dating from 1847. The intentions of adopting this legal instrument were laid out in a letter of tsar Nicholas I addressed to the Viceroy of the Kingdom of Poland. One of the arguments put forward was that the good of the tsar's subjects required making rules of liability uniform, while preserving “local laws and provisions peculiar to the country.”¹⁷ Both of these codes were massively criticised, particularly as regards their excessive casuistry and certain adopted resolutions which were deemed obsolete. The codes, viewed through the lens of former Polish and European normative systems, turned out to be very detailed and notorious for the heavy penalties imposed.

Their classification of crimes was based on the length of the associated penalty. The abbreviated version in effect in the Kingdom of Poland was also filled with casuistry. In addition, the division between its general and particular parts was unclear.

With the passage of time, this legal instrument was additionally “padded” with other explanatory and supplementary acts that in addition increased the extent of penalisation.¹⁸ Because Hube is universally recognised as the author of the codes, it should be stressed here that they were not identical to his own proposal he worked on in 1834.¹⁹ The contemporary criticism of these instruments, while justified, was wrong in ascribing to Hube an impact on their final shape.²⁰

In 1840, the University of Petersburg opened a chair of Polish law, with Hube as its head. At that time, the scholar was lecturing on criminal law, history of law and organic law. He continued to teach on the university for another five years and then returned to legislative activity, such as editing subsequent volumes of the *Свода законов Российской империи* (Digest of Laws of the Russian Empire). In later years, Hube's professional work brought numerous successes. It was thanks to his efforts that relations were established between Russia and the Holy See, crowned with the signing of the concordat in 1846. For this activity, Hube was decorated with the Order of St. Vladimir in December 1847, which unleashed yet another wave of criticism in the Kingdom of Poland. Ten years later, he was also granted consent to receive an order from the Pope.²¹ From 1856 to 1861, Hube was the chairman of the Kingdom of Poland Codification Committee; the conclusion of its work also marked the end of Hube's residence in Petersburg. The main area of Hube's scholarly activity at that time was undoubtedly the history of law. He also conducted diligent queries in archives. After returning to Warsaw in 1861, he was appointed the director of the

¹⁶ Ułożenie o nkazaniach ugołownych i isprawitelnych, który nawiązywał do prawa zapisanego w XV tomie Zводу Praw, stanowiąc jego uporządkowanie i usystematyzowanie.

¹⁷ *Kodex kar głównych i poprawczych*, Drukarnia Kommissyi Rządowej Sprawiedliwości, Warszawa 1847.

¹⁸ W. Witkowski, *Kodeks kar głównych i poprawczych*, w: *System prawa karnego, tom II, Źródła prawa karnego*, red. T. Bojarski, Warszawa 2011, s. 111-112.

¹⁹ K. Dunin, *Romualda Hubego Pisma poprzedzone...*, s. XXXIV.

²⁰ Zob. *ibidem*, s. XXIX.

²¹ F. Nowiński, *Hube Romuald Jan Ferdynand*, <http://www.polskipetersburg.pl/hasla/huberomuald-jan-ferdynand> (dostęp: 19.06.2021 r.).

Government Commission of Religion and Public Education. Until 1867, he was also a member of the Kingdom of Poland's Council of State. In turn, from 1863 to 1866 he was the head of the schools board. When the Council of State was abolished, he retained his senatorial title and went back to Petersburg for two years. From 1880 to 1882 he was an inactive member of the Russian State Council.

He was decorated with the following orders: Imperial Order of the White Eagle, Order of St. Anne, Order of St. Stanislav, and Order of St. Aleksander Nevsky. He was also awarded medals for work on behalf of the Russian administration.

In April 1867, Hube retired from professional work. He took residence in Warsaw and frequently visited his estate in Stobiecka near Radomsko. There he devoted himself mainly to scholarly work. It was at this time when he entered into a closer acquaintance with Ludwik Gumplowicz, whom he visited in Graz for this very purpose.²² This relationship, cultivated largely through letters, resulted in considerable amplification of research on the history of Polish law, including in particular privileges granted to the Jews.²³ It is worth noting here that both scholars shared a number of events in their lives. Like Hube, Gumplowicz long resided and engaged in professional work abroad. First a Polish essayist and historian, he became an Austrian professor of state law and sociologist. Hube's strongly conservative outlook²⁴ and the course of cooperation with Russia he followed led to numerous instances of criticism in Poland. This did not, however, alter the fact that he was still recognised as an authority in matters of law. In one of his letters, Gumplowicz even addressed him as "the brightest scientific luminary in the area of history of Polish law."²⁵

3. Character of scholarly output

In Hube's scholarly work, three separate periods can be distinguished: the Warsaw period, the Petersburg period of about thirty years and the final, but very fertile period following his retirement. Hube's vaunted reputation in academic circles was due to his works skilfully combining the achievements of philosophical, historical and legal sciences.²⁶ As mentioned by Stefan Palczyński, Hube's academic focus was always divided between three areas, the historical, the philosophical and the dogmatic, the last one relying on references to the first two.²⁷ The proposal to study law by reaching back to its root appeared in early 19th century. This kind of research was pioneered by Friedrich Carl von Savigny.

A coherent position could be perceived in the current of evolutionary theory

²² S. Posner, *Ludwik Gumplowicz. Zarys życia i pracy*, Warszawa 1912, s. 14.

²³ *Ibidem*, s. 14-16.

²⁴ J. Bardach, *Nauka historii państwa i prawa w Królestwie Polskim doby Szkoły Głównej*, „Roczniki UW” 1964, t. 5, z. 2, s. 118.

²⁵ S. Posner, *Ludwik Gumplowicz. Zarys życia i pracy*, s. 17. Co znamienne, w 1902 r., czyniąc przymiarki do biografii R. Hubego, K. Dunin, S. Posner oraz J.K. Kochanowski opublikowali odezwę, w której wezwali licznych korespondentów R. Hubego do nadesłania listów otrzymanych od niego, jednakże nie spotkało się to z szerszym odzewem, a jedynym z niewielu, którzy nadesłali te listy był prof. L. Gumplowicz, zob. S. Posner, *Ludwik Gumplowicz. Zarys życia i pracy...*, s. 187-188.

²⁶ S. Glaser, *Polskie prawo karne*, Kraków 1933, s. 84-85.

²⁷ S. Palczyński, *Romualda Hubego teoria działania i czynu...*, s. 25-26.

of law promoted by the forefather of legal anthropology and sociology of law, the English jurist, historian and philosopher Henry Sumner Maine. Hube's employment in public administration undoubtedly also assisted him in his scholarly pursuits. In addition, he was an eminent expert on Roman law, the legislation of other countries and foreign legal literature. Although his works on legal theory and civil law formed a minority of his output, they cannot be glossed over. In particular, notice should be taken of such dissertations as *O stanie nauki prawa w naszych czasach* (1828), *De furtis doctrinam ex jure Romano historice et dogmatyce* (same year), *Uwagi nad systematem kodeksu cywilnego francuskiego* (1829), *Niektóre uwagi nad historią nauki prawa* of (1830) or the *Kodex cywilny włoski z 1865.*, published in 1866. Hube's achievements in the area of history of law have been relatively widely studied. One can assume that this also stems from the fact that Hube's scholarly achievements in this respect are unquestionably the greatest, if not monumental.

His main works include primarily publications from the 1870s and 1880s. In 1874, he published *Prawo polskie w wieku XIII*, in 1881 *Prawo polskie w wieku XIV* and *Ustawodawstwo Kazimierza Wielkiego*, and in 1886 *Sądy, ich praktyka i stosunki prawne społeczeństwa w Polsce ku schyłkowi XIV wieku*. On the other hand, his works dealing with criminal law, while important, are much less frequently circulated. It is not without foundation that Hube tends to be called the father of Polish criminal law science.²⁸ His output in this matter deserves to be treated and promoted much more widely than the present article allows.

It is true that Hube's early works (1826-1828) focused on Roman law and referred to the writings of Ulpian and Gaius,²⁹ nevertheless they already displayed the first inklings related to criminal law, as evidenced by a work entitled *Wykład historyczny i dogmatyczny o kradzieży według prawa rzymskiego* (1826-1828). An exception to the limited circulation of Hube's criminal law output is the excellent dissertation *Ogólne zasady nauki prawa karnego*,³⁰ a modern handbook on the general rules of criminal law. For those times, it was a clearly systemic study that for many years set out the main direction of research in criminal law and served as a *sui generis* point of reference for others.

Since this article intended to provide more information on the criminal law output of Romuald Hube, it is necessary to speak in detail about his other works. Among his early pieces was the minor dissertation *O teoriach prawa kryminalnego*, written in 1827, which gave an account of the contemporary state of criminal law theory framed by a philosophical setting. It was undoubtedly the aftermath of Hube's two year long studies at the University of Berlin. Interestingly, the work was read out during the jubilee celebrations of the Royal University of Warsaw in 1827, appearing in print only a year later in two impressions.³¹ 1828 also saw the publication of *Wywód prawodawstwa polskiego cywilnego i kryminalnego od*

²⁸ A. Grześkowiak, *Poglądy Romualda Hubego...*, s. 151.

²⁹ Zob. R. Hube, *Pamiętnik*, w: K. Dunin, *Romualda Hubego Pisma poprzedzone...*, s. XXI.

³⁰ Zob. S. Glaser, *Polskie prawo karne w zarysie*, s. 84-85.

³¹ R. Hube, *O teoriach prawa kryminalnego*, w: *Posiedzenie publiczne Królewskiego Uniwersytetu, na pamiątkę założenia jego, przy rozpoczęciu nowego kursu nauk, odbyte dnia 19 września 1827 r.*, Warszawa 1828, s. 49-91; R. Hube, *O teoriach prawa kryminalnego. Rzecz czytana na publicznem posiedzeniu Królewskiego Uniwersytetu dnia 19 września 1827 r.*, Warszawa 1828, s. 1-43.

czasów jagiellońskich.³²

During the next few years, Hube's publications, while numerous, were confined to the "Themis Polska" journal, of which he was the editor in chief.³³ The journal saw the appearance of works such as *Wykład zasad o usiłowaniu występku z zastosowaniem do Kodexu karnego Król. Pol.*,³⁴ *O działaniach bezprawnych ze względu na wolę osoby działającej*³⁵ and reviews of foreign publications.³⁶ Another notable study was *O zemście i pokorze podług praw polskich i czeskich* (1829). Finally, one cannot ignore the excellent dissertation with a historical bent, entitled *O dawnych pisarzach prawa karnego w Polsce* (1830). It should be stressed that the work was used by Hube to demonstrate that the seeds of Polish criminal law science should be sought in the works of 12th century Italian writers, where the first ideas related to criminal law germinated and were adopted. In the 12th century Italy, criminal law had already been treated as a system. Its contents were based primarily on the chief principles of Roman and canon law. With time, Hube's works began to include juridical practice, and therefore also local law. From the examples adduced by him, it appears that the most important writer of that period was Albertus Gandino,³⁷ and his contemporaries Dinus [de Rossonis], Franciscus Accursius and Jacobus [de] Arena. Gandino has, among others, widely speculated how should accessories to crime be punished. Hube emphasised that court practice in medieval times was consistent with theoretical views. This tendency was amplified during the following centuries. It was then that, in support of their position (in the words of Hube: "to earn the trust"), jurists cited the views of other, earlier researchers. For this reason, ancient treatises were replete with quotations. As Hube put it: "He who was supported by more doctors, or could demonstrate that *doctores consentiunt*, he had the upper hand. Hence the works of writers we are discussing here are replete with quotations; their number is sometimes so great that one may rightly wonder how it was possible for one man to sift through so large a number of writings. This penchant led to a major flaw, that is simply copying the writings of others and masquerading them as one's own opinions. This fault has long been affecting the school of glossators. Already in the 13th century, writers are severely charging each other with copying."³⁸ Reading this excerpt, one cannot but wonder how true these words ring today, despite the passage of so many centuries.

Although *O dawnych pisarzach prawa karnego w Polsce* dates from Hube's early stage of scholarly work, it reflects quite well the need for research on the history of law and the depth of later scholarly efforts of the author. Almost from the very first page of his dissertation, Hube largely captures his academic motives,³⁹

³² R. Hube, *Wywód prawodawstwa polskiego cywilnego i kryminalnego aż do czasów jagiellońskich*, w: K. Dunin, *Romualda Hubego pisma poprzedzone...*, t. II, s. 5-21.

³³ Zob. R. Hube, *Pamiętnik*, w: K. Dunin, *Romualda Hubego Pisma poprzedzone...*, t. I, s. XXIII.

³⁴ „Themis Polska czyli pismo nauce i praktyce prawa poświęcone” 1828, t. 1, s. 30-62.

³⁵ „Themis Polska czyli pismo nauce i praktyce prawa poświęcone” 1828, t. 4, s. 130-180 i 1829, t. 5, s. 31-93.

³⁶ A.R. Feuerbach, *Lehrbuch des gemeinen im Deutschland gültigen peinlichen Rechts*, wyd. 9, Giessen 1826; „Themis Polska czyli pismo nauce i praktyce prawa poświęcone” 1828, t. 1, s. 94-96; K. Michelet, *Das System der philosophischen Moral mit Rücksicht auf die juristische Imputation*, Berlin 1828; „Themis Polska czyli pismo nauce i praktyce prawa poświęcone” 1828, t. 2, s. 274.

³⁷ Autor *De maleficiis*, traktatu prawa kryminalnego, a także *Rolandi de ordine maleficiorum*, jednakże – wedle Hubego – nie zachował się manuskrypt tego opracowania, zob. R. Hube, *O dawnych pisarzach...*, s. 120.

³⁸ R. Hube, *O dawnych pisarzach...*, s. 122.

³⁹ *Ibidem*, s. 116.

noting that “Each nation has notions, feelings and needs peculiar to itself. To recognise these conditions of our existence is undoubtedly the most important mystery which a scholar attempts to penetrate. He who works solely for the present time can easily have his sight distracted by fleeting relations and circumstances.

His reasoning will be the transitory product of a single moment. Not so with our work, whose value will be different if based on results derived from the entire past existence of humankind. Such existence, even though it has disappeared, did so only inasmuch as the temporal events that produced it passed away, nevertheless the spirit that animated and ruled it is still present.” Hube returned to this issue a number of times in his writings. As he wrote in *Ogólne zasady nauki prawa karnego*: “The essayist attempts to discover the relation between the topic of his essay and the needs of the present time; the historian tries to show the reasons for the numerous changes in ancient times, but the philosopher, having no regard either to the present or the foregone past, wishes to discover the absolute principles of a science. Whatever is lacking in one, the other endeavours to furnish. But as they are divided in their efforts, none of the parties we speak of is able to discover the general and universal notions of a science. Our particular position in terms of law-making, the need to learn about almost all eminent European legislations, and also the peculiar temper of our nation, suggested that I should merge varied views together into a single system and infuse those disparate parts with one soul. I believed that the various directions of the criminal law science are mutually complementary and cannot be subdivided except by brute force. Hence my method of treatment, not hitherto used in criminal law science (...). There exists undoubtedly a single creative thought which takes on various historical guises to form the reality that surrounds us here, in this country. To comprehend and understand this idea is the duty of philosophy, to examine its temporal dimensions and the continuous evolving progress is the task of history, and to capture its presence and force to stand still, recognising its power that rules everything, is the mystery of dogmatics. To bind philosophy with history, and both of them with dogmatics, with an internal alliance, was what I endeavoured to do.”⁴⁰ It should be stressed that Hube tended to expressly lay out his research assumptions he wanted to achieve in the first pages of his studies. The decided majority of Hube’s works on criminal law is characterised by philosophical, historical and dogmatic analysis of the topic under consideration.⁴¹ Hube’s view of philosophy was a rather broad one, because these disquisitions also contain threads related to legal theory.⁴²

This thorough and holistic methodological approach, unprecedented at that time in Polish criminal law science, was certainly the hallmark feature of his works. It also allowed him to engage in more profound thoughts, whose complexity did not fall short of the greatest European thinkers.

⁴⁰ R. Hube, *Ogólne zasady prawa karnego*, Warszawa 1830, s. 2-3.

⁴¹ Por. D. Janicka, *Aksjologiczne priorytetu polskiej doktryny prawa karnego...*, s. 34.

⁴² Podobnie filozofię postrzegał J. Makarewicz, *Wstęp do filozofii prawa karnego w oparciu o podstawy historyczno-rozwojowe*, reprint, Lublin 2009, s. 21-49.

Preeminent among Hube's works is *Studia nad kodeksem karnym 1818 r. Cz. I*.⁴³ It needs to be mentioned that this composition was not finished, with only the first part sent to the printing press. Nevertheless, the work is rather peculiar, because it appears to be an attempt to mollify the ostracism of Warsaw's society which Hube had to face when he accepted a profitable position in the Russian administration and engaged in certain activities related to the area of legislation. If so, the attempt failed.⁴⁴ Viewing things in this light, it is not surprising that the contents of the work seem to voice support for the idea of restoring the 1818 Polish code, even though Hube had earlier contributed to abolishing it. Criticism was, after all, an everyday experience for him. This article is not, however, the place to review all the reasons that persuaded him to adopt such a course in life in preference to others. No sufficiently detailed information about them has been preserved, and we can no longer learn the circumstances and motives behind his decisions. At any rate, the straightforward statement that Hube was motivated solely by opportunistic reasons seems too far-reaching.⁴⁵ This does not change the fact that *Studia nad kodeksem karnym 1818 r. Cz. 1* forms a complex and profound study.

Hube's output is also remarkable due to his fascination with foreign legal systems, besides those described in the 1829 study *O zemście i pokorze podług praw polskich i czeskich*. Works of this kind include a study entitled *Historia praw karnych słowiańskich*, which appeared in two volumes: *Tom 1. Historia prawa karnego ruskiego. Od czasów najdawniejszych do cesarza Mikołaja I* and *Tom 2. Historia prawa karnego ruskiego. Panowanie Cesarza Mikołaja I i Aleksandra II*. These studies appeared in print in 1870 and 1872, respectively. For the sake of accuracy, it should be added that comparative law issues were unusually important in Hube's output. They are almost ubiquitous in his works. Moreover, Hube did not limit himself solely to European criminal law, but drew much wider comparisons which reached overseas.

Among the relevant works of his, one should also note two studies, strictly historical in principle but also in a large part devoted to ancient criminal law. The more important of them is *Prawo polskie w wieku trzynastym* (1874), whose chapter VIII was devoted to criminal law. Hube enumerates there the types of offences existing in the 13th century and the penalties that they carried. The main foundation of his research in this respect was the *Księga Praw Zwyczajowych*, which contained basically the entire spectrum of contemporary criminal law in the form practiced in the lands of the Teutonic Knights. He also remarked on the paucity of materials available for research. His research was rounded off by the ordinances found in the Kalisz statute of 1264 (the "Bolesław privilege"). A valuable advantage of this work is undoubtedly contributing to deeper and systematic knowledge on the topic in question. This advantage is even more valuable if it is realised that in the 13th century, there were actually four systems

⁴³ R. Hube, *Studia nad kodeksem karnym 1818 roku. Cz. 1*, Warszawa 1863.

⁴⁴ D. Janicka, *Hube – Makarewicz – Wolter. Trzy koncepcje karania na przestrzeni stu lat*, *Archiwum kryminologii* 2017, tom XXXIX, s. 6. Autorka w ślad za W. Sobocińskim wskazuje, że szczególnie Hubego krytykował Fryderyk Skarbek, który zarzucił mu, iż stworzył „prawo tak nieodpowiednie, obrażające niewątpliwie zarówno rozum, jako ludzkość i sprawiedliwość”.

⁴⁵ Z. Sobociński, *Wydział Prawa w Uniwersytecie Warszawskim (1816-1831) i w Szkole Głównej (1862-1869)*, Warszawa 1963, s. 116.

of criminal law in effect: the land law system, the system of arbitrary ducal penalties, the ecclesiastical system and the German law system.⁴⁶ Another important study of this kind is the work entitled *Wróżda, wróżba i pokora. Studium z historii prawa karnego*, published ten years earlier. It was an expanded version of the dissertation *Pokora podług praw czeskich i polskich*, published in *Themis Polska*, now with the addition of Moravia and other parts of ancient Poland. The intention of Hube was to make the feeling mentioned in the title more precise using scientific methods, in the context of behaviours whose purpose was holding persons who committed the crime of homicide liable by means of private revenge (so-called *wróżda/wróżba*) and a form of weregild (*główszczyzna*). An additional intention was to present the distinction of homicides themselves and the terminology adopted in this respect in medieval criminal law.

4. The views of Romuald Hube concerning criminal law

To round off the picture of Hube, it is also worth to briefly expose his principal views related to criminal law. This appears indispensable in light of the eminent theoretical and dogmatic achievements of that scholar. Naturally, these views must however be sketched here very cursorily, because their full exploration would greatly exceed the bounds of an article. Some of these views have been dealt with in contemporary studies,⁴⁷ therefore a greater scope does not appear necessary also in light of the key assumptions of this work, focused as they are on presenting both the profile of the scholar and his essential scholarly output related to criminal law.

As mentioned above, Hube represented the classic school of criminal law. It was a current characterised by a formal and dogmatic approach. Its proponents took the position that any act undertaken by man is an expression of his free will (indeterminism), and accordingly an offence, as a display of bad will, must produce a backlash. Criminal liability should be based on guilt, which was understood subjectively. Penalties, viewed as just retribution, should be linked to the degree of guilt and social nuisance of the act. Representatives of the classical school also stressed the preventive function of criminal law and observance of the principles of *nullum crimen sine lege* and *nulla poena sine lege*. The theses proposed by the classical school have become the foundation for meting out lawful punishments.⁴⁸ It was within this framework that the views of Hube can usually be placed.

His deliberations on the theory of guilt remain interesting. Similar to the theory of act, he examined it through the lens of indeterminism, recognising circumstances excluding punishability (to speak of the essence of the matter using contemporary criminal law terminology). Importantly, in *Ogólne zasady nauki prawa karnego* Hube distinguished a number of circumstances excluding

⁴⁶ R. Hube, *Prawo polskie w wieku trzynastym*, w: K. Dunin, *Romualda Hubego pisma...*, t. II, s. 464.

⁴⁷ Por. np. D. Janicka, *O przestępstwach, karach i prewencji kryminalnej. Studia z najnowszej historii polskiego prawa karnego i nauki prawa*, Toruń 2021, s. 33-84.

⁴⁸ A. Marek, *Prawo karne. Część ogólna*, Bydgoszcz 1992, s. 30.

guilt, but viewed them differently from the modern division. He classified these acts in the context of whether they deny the will entirely (involuntary acts) or partially (instinctive acts), or result in consequences not desired by the actor. Voluntary acts were divided by Hube, depending on the degree of will, into acts committed with malice (nowadays called negligent misconduct) and acts committed with intent (and thus with wilful misconduct).⁴⁹

Hube's theory of the act appears impressive even from today's perspective as a foundation of criminal law science due to the extent of the dogmatic deliberations undertaken, their internal systematisation and the inclusion of, among others, psychological threads. Moreover, the theory of act was adopted by Hube as the second of the major areas of his scholarly pursuits. For his time, these were key deliberations which can be recognised as a model even today. The importance of this theory is well reflected in the words of Stefan Palczyński, who wrote: "as much as the brilliant analyses of Hube stand in marked contrast to the trite disquisitions of his direct successor in the Warsaw school of criminal law science, Franciszek Maciejowski, so equally the disquisitions about an act offered by another eminent proponent of the classical school in criminal law, Edmund Krzymuski, are unoriginal and dependent on the concepts of German and Austrian scholars."⁵⁰ The secondary nature of the disquisitions of Maciejowski, as well as Stanisław Budziński, compared to the views of Hube was also recognised by A. Zębik.⁵¹ This was because they were based on science taught by the German school and contained less creative analyses, being mostly limited to referring the views of others. Hube believed that anyone has the right to engage in any behaviour they see fit, and that such behaviour must be accepted as long as it does not harm the rights of other individuals and is not a nuisance to society. Once these boundaries are crossed, the behaviour of that individual becomes unlawful in several aspects, treated conventionally using the deductive method. Such behaviour is therefore contrary to the legal will of society which is manifested in the tendency to maintain the legal order, runs athwart the social will to observe law, and finally is an outrage against the good of another individual.⁵²

Hube attached considerable importance to the aspects of freedom. The assumption of an individual enjoying free will was a direct reference to concepts of the natural law school and Hegelian philosophy.⁵³ He focused his research interests especially on the issue of punishment, which was undoubtedly the leading foundation of his efforts. He appeared to favour the so-called mixed theory of punishment, putting the idea of retribution on par with other indirect purposes. It should be stressed that he may, in fact, be recognised as the author of this theory, as he preceded German science by at least several years.⁵⁴ He viewed sanctions as an instrument of compulsion whose objective was to restore the gravity of law which an offence impaired.⁵⁵ In Germany this concept,

⁴⁹ Szerzej A. Zębik, *Poglądy Romualda Hubego...*, s. 204 i n.

⁵⁰ S. Palczyński, *Romualda Hubego teoria działania i czynu...*, s. 52, zob. także D. Janicka, *Aksjologiczne priorytety polskiej doktryny prawa karnego...*, s. 31.

⁵¹ A. Zębik, *Poglądy Romualda Hubego...*, s. 201.

⁵² *Ibidem*, s. 201-202.

⁵³ Zob. R. Hube, *Ogólne zasady...*, s. 272.

⁵⁴ A. Grześkowiak, *Poglądy Romualda Hubego...*, s. 153, A. Zębik, *Poglądy Romualda Hubego...*, s. 212.

⁵⁵ R. Hube, *Ogólne zasady...*, s. 184 i n.

undoubtedly preserving the Hegelian spirit, was promoted by, among others, Julius Friedrich Heinrich Abegg. Hube also referred to natural law concepts. He argued that if a penalty was not enforced, an offence would still remain, because its existence lasts as long as justice is not served. Using such compulsory measure with respect to the offender is justified for the sake of maintaining legal order and respect for law in society. All this gives an excellent picture of the influence of Hegel, and particularly his principle of retribution, on Hube's research analyses. The above sentiments can even today be used to conclude that for Hube, a penalty was connected to the social nuisance of an act and justified by reasons of both individual and general prevention, the former being the more important. As noted by D. Janicka, this train of thought was correlated with contemporary European, particularly German, doctrine.⁵⁶ In addition, Hube stressed the importance of evolving the system of penalties. He saw their origin in private revenge which, with the passage of time, was transformed in a more organised act of state authority, meted out in the name of justice.⁵⁷ He also recognised the challenges of the system of penalties then prevailing in Europe, with imprisonment as the dominant form of penalty.⁵⁸ Over years, he came to criticise the death penalty,⁵⁹ as well as short-term penalties and life imprisonment.

Citing the research of Albini, a professor of the Turin University, he stressed that legal theory was already rejecting the death penalty, which was slowly being marginalised in or even ousted from legal orders (an example was the Duchy of Oldenburg Penal Code of 1859).⁶⁰ Hube's theory of penalty, as aptly noted by J. Warylewski, was of an eclectic nature.⁶¹ He tried to combine direct and indirect theories of penalty. The source of penalty was for him retribution, and he believed that the kind and extent of sanctions should be influenced by the objectives of penalty.

5. Summary

Romuald Hube died on 8 August 1890 in Warsaw. The last years of his life have proven to be the most fruitful. It was then that his so-called trilogy on Polish legislation and other important publications appeared. He was a scholar who introduced his own original concepts to criminal law and greatly contributed to its evolution. He also prompted major developments in the methodology of scientific research, and can even be said to turn it into new areas of exploration. His output and research methods were liberally drawn upon by scholars of succeeding generations, including among others his direct successors, or the leaders of Polish criminal law science in the late 19th and early

⁵⁶ D. Janicka, *Hube – Makarewicz – Wolter...*, s. 9.

⁵⁷ R. Hube, *Ogólne zasady...*, s. 20.

⁵⁸ R. Hube, *Studia nad kodeksem karnym 1818 roku. Cz. 1*, s. 32.

⁵⁹ Zbyt daleko idące jest jednak uznanie go za przeciwnika tej sankcji, jak uczynił to J. Warylewski. Zob. Tenże, *Kierunki i szkoły w nauce prawa karnego*, w: *System prawa karnego, t. I. Zagadnienia ogólne*, red. A. Marek, s. 70. Wyraźnie bowiem Hube wskazywał, że „względy praktyczne nakazują utrzymanie kary śmierci”, zob. R. Hube, *Studia nad kodeksem karnym 1818 roku...*, s. 34, por. także A. Grześkowiak, *Poglądy Romualda Hubego...*, s. 160; A. Zębik, *Poglądy Romualda Hubego...*, s. 214; I. Andrejew, Z. Zdrójkowski, *Nauka prawa karnego w środowisku warszawskim w dobie Szkoły Głównej, „Roczniki UW” 1964, t. 5, z. 2*, s. 98.

⁶⁰ R. Hube, *Studia nad kodeksem karnym 1818 roku*, s. 33-34.

⁶¹ J. Warylewski, *Kierunki i szkoły w nauce prawa karnego...*, s. 69.

20th century. The entirety of Hube's output clearly favours the statement that he was an eminent researcher, not just in terms of his own age. He was clearly and largely ahead of it. *Ogólne zasady nauki prawa karnego*, Hube's monograph of almost five hundred pages, remains to this very day the foundation of Polish criminal law science and is actually the first European modern criminal law handbook. Considering its date of publication (May 1830), one can even consider that it was a study of a systemic nature, discussing in detail the general precepts of criminal law. It was characterised by the principle of primacy of philosophical and historical research over dogmatic solutions, and the young Hube engaged there in a deep, substantive polemic with German experts in legal science. As a representative of the classical legal school, he opted for imperative application of the principles of *nullum crimen sine lege* and *nullum poena sine lege*. He also stressed that guilt should remain the foundation of criminal liability, and that the penalty meted out to the offender should be adequate to the degree of guilt and nuisance of the act. This forms, without doubt, the groundwork of general norms of criminal law, used to a large extent by later scholars, including during legislative works on the 1932 Penal Code, and also adequately retained in subsequent Polish penal codes of the modern era. In the intention of the author, the cited work was to form the first volume of a trilogy, the two remaining being devoted to the particular provisions of criminal law and criminal procedure. This idea remained uncompleted, however. This turn of events was undoubtedly affected by political and general social disturbances of the years 1830 and 1831. Nevertheless, it was by this work, whose wider concept was not finished, that Hube fully merited to be recognised as the pioneer of Polish criminal law science. Reading the remaining works he penned only serves to strengthen this conviction. On the other hand, his equivocal views are mostly the result of political activities he engaged in and his participation in legislative works related to, among others, the Code of Principal and Correctional Punishments. These assessments should, however, be preceded by a deeper reflection. Disregarding here the private life of Hube himself, which had a non-trivial influence on his decisions, it should nevertheless be stressed that he lived in complex times, during two momentous historical epochs, and in the era of prevalent censorship. Although the charges brought against him must be considered substantial, they must not depreciate Hube's eminent, numerous and also well-rounded scholarly output.

Bibliografia

Andrejew I., Zdrójkowski Z., *Nauka prawa karnego w środowisku warszawskim w dobie Szkoły Głównej*, „Roczniki UW” 1964, t. 5, z. 2.

Bardach J., *Nauka historii państwa i prawa w Królestwie Polskim doby Szkoły Głównej*, „Roczniki UW” 1964, t. 5, z. 2.

Dunin K., *Romualda Hubego Pisma poprzedzone zarysem biograficzno-krytycznym*, t. I, Warszawa 1904.

Dunin K., *Romualda Hubego pisma poprzedzone zarysem biograficzno-krytycznym*, t. II, Warszawa 1905.

Feuerbach A.R., *Lehrbuch des gemeinen im Deutschland giiltigen peinlichen Rechts*, wyd. 9, Giessen 1826 „Themis Polska czyli pismo nauce i praktyce prawa poświęcone” 1828, t. 1.

Glaser S., *Polskie prawo karne*, Kraków 1933. *Prawo karne w poglądach Profesora Juliusza Makarewicza*, Grześkowiak A. (red.), Lublin 2005.

Grześkowiak A., *Poglądy Romualda Hubego na karę*, „Czasopismo Prawno-Historyczne” 1974, t. XXVI, z. 2.

Kodeks karny z 1932 r., Grześkowiak A., Wiak K., Gałązka M., Hałas R.G., Hypś S., Szeleszczuk D. (red.), Lublin 2015.

Hube R., *O dawnych pisarzach prawa karnego w Polsce*, Warszawa 1930.

Hube R., *O teoriach prawa kryminalnego*, w: *Posiedzenie publiczne Królewskiego Uniwersytetu, na pamiątkę założenia jego, przy rozpoczęciu nowego kursu nauk, odbyte dnia 19 września 1827 r.*, Warszawa 1828.

Hube R., *O teoriach prawa kryminalnego. Rzecz czytana na publicznym posiedzeniu Królewskiego Uniwersytetu dnia 19 września 1827 r.*, Warszawa 1828.

Hube R., *Ogólne zasady prawa karnego*, Warszawa 1830.

Hube R., *Prawo polskie w wieku trzynastym*, w: K. Dunin, *Romualda Hubego pisma poprzedzone zarysem biograficzno-krytycznym*, t. II, Warszawa 1905.

Hube R., *Studia nad kodeksem karnym 1818 roku. Cz. 1*, Warszawa 1863.

Hube R., *Wywód prawodawstwa polskiego cywilnego i kryminalnego aż do czasów jagiellońskich*, w: Dunin K., *Romualda Hubego pisma poprzedzone zarysem biograficzno-krytycznym*, t. II, Warszawa 1905.

Janicka D., *Aksjologiczne priorytety polskiej doktryny prawa karnego w XIX wieku (w systemach Maciejowskiego, Hubego, Budzińskiego i Krzymuskiego)*, w: *Aksjologiczne podstawy polskiego prawa karnego w perspektywie jego ewolucji*, red. A. Grześkowiak, I. Zgoliński, Bydgoszcz 2017.

Janicka D., *Hube – Makarewicz – Wolter. Trzy koncepcje karania na przestrzeni stu lat*, „Archiwum kryminologii” 2017, tom XXXIX.

Janicka D., *O pionierach nauk kryminologicznych w Polsce*, „Czasopismo Prawno-Historyczne” 2016, t. LXVIII, z. 1.

Janicka D., *O przestępstwach, karach i prewencji kryminalnej. Studia z najnowszej historii polskiego prawa karnego i nauki prawa*, Toruń 2021.

Kodex kar głównych i poprawczych, Drukarnia Kommissyi Rządowej Sprawiedliwości, Warszawa 1847.

Łaguna S., *Romuald Hube i jego działalność naukowa*, „Ateneum” 1890, t. III.

Makarewicz J., *Kodeks karny z komentarzem*, Lublin 2012.

Makarewicz J., *Prace rozproszone, tom I, publikowane w latach 1895-1901*, Lublin 2010.

Makarewicz J., *Prace rozproszone, tom II, publikowane w latach 1902-1913*, Lublin 2012.

Makarewicz J., *Wstęp do filozofii prawa karnego w oparciu o podstawy historyczno-rozwojowe*, Lublin 2009.

Marek A., *Prawo karne*, Warszawa 2000.

Marek A., *Prawo karne. Część ogólna*, Bydgoszcz 1992.

Michelet K., *Das System der philosophischen Moral mit Riicksicht auf die juridische Imputation*, Berlin 1828, „Themis Polska czyli pismo nauce i praktyce prawa poświęcone” 1828, t. 2.

Mogilnicki A., *Kodeks postępowania karnego. Komentarz. Reprint*, Warszawa 2019.

Nowiński F., *Hube Romuald Jan Ferdynand*, <http://www.polskipetersburg.pl/hasla/hube-romuald-jan-ferdynand>.

Pałczyński S., *Romualda Hubego teoria działania i czynu. Studium z zakresu podstaw konstrukcyjnych pierwszego polskiego nowoczesnego systemu prawa karnego*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 2000, rok LXII.

Posner S., *Ludwik Gumpłowicz. Zarys życia i pracy*, Warszawa 1912.

Redzik A., *Nowe Państwo – udana inicjatywa prof. Wacława Makowskiego powołania pisma polityczno-prawnego*, „Palestra” 2010, nr 7-8.

Rembowski A., *Romuald Hube*, w: *Pisma Aleksandra Rembowskiego*, t. I, Kraków – Warszawa 1901.

Salmonowicz S., Zdrójkowski Z., *Uwagi o programie badań nad historią prawa karnego w Polsce*, „Krakowskie Studia Prawnicze” 1981, nr 14.

Sobociński Z., *Wydział Prawa w Uniwersytecie Warszawskim (1816-1831) i w Szkole Głównej (1862-1869)*, Warszawa 1963.

Sylwestrzak A., *Historia doktryn politycznych i prawnych*, Warszawa 1995.

Warylewski J., *Kierunki i szkoły w nauce prawa karnego*, w: *System prawa karnego*, t. I. *Zagadnienia ogólne*, red. A. Marek, Warszawa 2010.

Witkowski W., *Kodeks kar głównych i poprawczych*, w: *System prawa karnego*, tom II, *Źródła prawa karnego*, T. Bojarski (red.), Warszawa 2011.

Witkowski W., *Romuald Hube wobec prac ustawodawczych nad narodowym prawem cywilnym w Królestwie Polskim (1828-1830)*, „Studia Iuridica Lubliniensia” 2003, nr 19.

Zębik A., *Poglądy Romualda Hubego na przestępstwo, winę i karę*, „Acta Universitatis Lodzianis. Folia Iuridica” 1988, nr 35.

Zigel T., *ob. Uczonoj diejatielnosti R.M. Hube*, „Żurnal Ministerstwa Narodnawo Proświeszczenija”, CZ. CCLXXVI, 1891, nr 7.